



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director

Thomas A. Faha  
Regional Director

March 19, 2018

Mr. Kevin Brown  
Complex Manager  
Motiva Enterprises LLC  
3800 Pickett Road  
Fairfax, VA 22031

Location: Fairfax City  
Registration No.: 70248

Dear Mr. Brown:

Attached is a renewal Title V permit to operate your gasoline distribution bulk terminal facility pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Please read all conditions carefully.

This approval to operate does not relieve Motiva Enterprises LLC of the responsibility to comply with all other local, state, and federal permit regulations.

Issuance of this permit is a case decision. The Regulations, at 9 VAC 5-170-200, provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this permit is mailed or delivered to you. Please consult that and other relevant provisions for additional requirements for such requests.

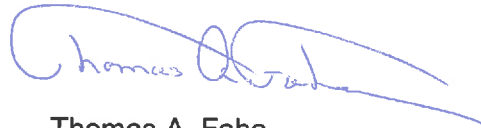
Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

Mr. David K. Paylor, Director  
Department of Environmental Quality  
P. O. Box 1105  
Richmond, VA 23218

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please contact Thomas Valentour at DEQ's Northern Regional Office at (703) 583-3931.

Sincerely,



Thomas A. Faha  
Regional Director

TAF/JBL /TMV/70248-TVltr (3-19-2018).docx

Attachment: Permit

cc: Dr. Mary Cate Opila, Office of Permits and Air Toxics, U.S. EPA, Region III (electronic file submission)  
Susan Tripp, DEQ-OAPP (electronic file submission)  
Manager/Inspector, Air Compliance Manager, DEQ-NRO (electronic file submission)



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### Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:


Permittee Name: Motiva Enterprises, LLC  
Facility Name: Motiva Enterprises, LLC – Fairfax Terminal  
Facility Location: 3800 Pickett Road  
Fairfax, Virginia 22031

Registration Number: 70248

Permit Number  
NRO70248

Effective Date  
March 19, 2018

Expiration Date  
March 18, 2023

  
Thomas A. Faha  
Regional Director

3-19-18  
Signature Date

Permit Consists of 30 pages  
Permit Conditions 1 through 80

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## **Facility Information**

### Permittee

Motiva Enterprises, LLC  
3800 Pickett Road  
Fairfax, Virginia 22031

### Responsible Official

Kevin Brown  
Complex Manager

### Facility

Motiva Enterprises, LLC  
Fairfax Terminal  
3800 Pickett Road  
Fairfax, Virginia 22031

### Contact Person

Kristine Pelt  
Environmental Coordinator  
(919) 616-5476

County-Plant Identification Number: 51-600-00069

Facility Description: NAICS: 424710 – Motiva Enterprises, LLC – Fairfax Terminal operates a bulk petroleum storage and distribution terminal at its Fairfax location and has a potential to operate 8,760 hours per year. As an area source of HAP emissions, the source is exempt from the requirements of 40 CFR 63, Subpart R (National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) under §63.420(a)(2) but must maintain records to demonstrate its continued exempt status. The facility is subject to 40 CFR 60, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. The facility is also subject to 40 CFR 63, Subpart A (General Provisions) and Subpart BBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities), 40 CFR 60, Subpart XX, (Standards of Performance for Bulk Gasoline Terminals), Virginia 9 VAC 5-40, Part I, and Virginia 9 VAC 5-40-5200 et al (Rule 37). The facility also operates under the latest NSR permit issued on October 20, 2011.

Denatured ethanol is received by tanker truck, whereas distillate, aviation jet fuel, and gasoline are received by common carrier pipeline. Denatured ethanol, distillate, aviation jet fuel, and gasoline are stored in above ground storage tanks. Additives are received by tanker truck or by drum and stored in on-site tanks or drums. Additives and denatured alcohol are mixed with products at the five lane loading rack prior to being dispensed. Volatile organic compound (VOC) emissions from the loading rack are controlled by a vapor recovery unit consisting of a carbon adsorption unit.

There are nine above ground storage tanks for the storage of petroleum products. Currently, seven tanks are equipped with internal floating roofs (IFR) for storage of gasoline, ethanol, ethanol/gasoline blend and distillates (Ref. No. 30802-30808) and two tanks are vertical fixed roof tanks (Ref. No. 30801 and 31536) for storage of distillate products (diesel, jet, and kerosene) only. There are also several small capacity tanks, including eight product additive tanks, one interface tank, and one oil water separator, and a heating oil tank.

## Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Working Capacity <sup>1</sup>	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
31536	31536	Petroleum liquid storage tank (Diesel/Jet fuel/ Kerosene/Other Distillate Products)	2,790,713 Gallons	Vertical Fixed Roof tank	--	--	October 20, 2011
30801	30801	Petroleum liquid storage tank (Diesel/Jet fuel/ Kerosene/Other Distillate Products)	1,782,923 Gallons	Vertical Fixed Roof Tank	--	--	October 20, 2011
30802	30802	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,786,057 Gallons	Internal floating roof with a mechanical shoe primary seal and rim mounted secondary seals	--	VOC	October 20, 2011
30803	30803	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,367,450 Gallons	Internal floating roof with a mechanical shoe primary seal and rim mounted secondary seals	--	VOC	October 20, 2011
30804	30804	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,366,250 Gallons	Internal floating roof with a mechanical shoe primary seal and rim mounted secondary seals	--	VOC	October 20, 2011

Emission Unit ID	Stack ID	Emission Unit Description	Size/Working Capacity <sup>1</sup>	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
30805	30805	Petroleum liquid storage tank. (Gasoline/Diesel/Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,425,026 Gallons	Internal floating roof with a mechanical shoe primary seal and rim mounted secondary seals	--	VOC	October 20, 2011
30806	30806	Petroleum liquid storage tank. (Gasoline/Diesel/Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,428,625 Gallons	Internal floating roof with a mechanical shoe primary seal and rim mounted secondary seals	--	VOC	October 20, 2011
30807	30807	Petroleum liquid storage tank. (Gasoline/Diesel/Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	2,908,217 Gallons	Internal floating roof with a mechanical shoe primary seal and rim mounted secondary seals	--	VOC	October 20, 2011
30808	30808	Petroleum liquid storage tank. (Gasoline/Diesel/Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	2,915,561 Gallons	Internal floating roof with a mechanical shoe primary seal and rim mounted secondary seals	--	VOC	October 20, 2011
Loading Rack	Loading Rack	Five-lane Tanker Truck Loading Rack	180,000 gal/hr	John Zink VRU, Model No. S3-AAW-6-100-80-12 Activated Carbon Adsorption Beds (2)	VRU	VOC	October 20, 2011

<sup>1</sup> The Size/Working capacity is provided for informational purposes only, and is not an applicable requirement. These volumes are the available working volumes.



**Equipment Requirements – (Tanks 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, and 31536)**

**Limitations**

**1. Emission Control –**

- a. Volatile Organic Compound (VOC) emissions from the operation of the tanks storing fuels (30802 – 30808) shall be controlled by Internal Floating Roofs (IFR) with appropriate seal(s). The storage tanks shall be provided with adequate access for inspection.
- b. Each opening in a non-contact internal floating roof, except for automatic bleeder vents (vacuum breaker vents) and the rim space vents, is to provide a projection below the liquid surface.
- c. Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.
- d. Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
- e. Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.
- f. Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least ninety percent of the opening.
- g. Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.
- h. Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(9 VAC 5-80-110, 9 VAC 5-40-5220.A, 9 VAC 5-50-260, 40 CFR §60.112.b, 40 CFR 63 Subpart BBBBBB Table 1 and Condition 2 of the 10/20/11 NSR permit)

2. **Emissions Reduction** – Tanks storing volatile organic compounds (VOCs) shall achieve a ninety percent reduction in emissions. Storage of petroleum products with a true vapor pressure greater than 1.5 psia shall achieve this reduction by installing an internal floating roof with a seal system according to 9 VAC 5-40-5230.A. Tanks must be painted white, light pastel or light metallic. The coating must be in good condition. (9 VAC 5-80-110, 9 VAC 5-40-5220. A.1, 2, and 3, and 9 VAC 5-40-5230.A.4)
3. **Storage Tank VOC Emissions** – The combined VOC emissions from the operation of storage tanks (30801-30808 & 31536) shall not exceed 23.0 tons per year. Compliance with this condition shall be demonstrated through record keeping demonstrating compliance with Conditions 4, 5 and 6 as well as annual reporting as stated in Condition 11.  
(9 VAC 5-80-110, 9 VAC 5-170-160, 9 VAC 5-80-1180, and Condition 17 of the 10/20/11 NSR Permit)
4. **Gasoline Throughput** – Gasoline and gasoline containing blends shall be stored in tanks equipped with an internal floating roof so as to minimize the VOC emissions from the tanks. The annual throughput of gasoline for IFR equipped tanks (30802-30808) shall not exceed 450,000,000 gallons per year, calculated monthly, as the sum of each consecutive twelve-month period.  
(9 VAC 5-80-110, 9 VAC 5-170-160, 9 VAC 5-80-1180 and Condition 13 of the 10/20/11 NSR Permit)
5. **Diesel Fuel/AVJET Fuel Throughput** – The annual throughput of diesel fuel/AVJET fuel for all tanks (30801-30808 & 31536) shall not exceed 300,000,000 gallons per year, calculated monthly, as the sum of each consecutive twelve-month period.  
(9 VAC 5-80-110, 9 VAC 5-170-160, 9 VAC 5-80-1180, and Condition 14 of the 10/20/11 NSR Permit)
6. **Ethanol Throughput** – Ethanol and ethanol containing blends shall be stored in tanks equipped with internal floating roofs so as to minimize VOC emissions from the tanks. The annual throughput of ethanol for IFR equipped tanks (30802-30808) shall not exceed 50,000,000 gallons per year, calculated monthly, as the sum of each consecutive twelve-month period.  
(9 VAC 5-80-110, 9 VAC 5-170-160, 9 VAC 5-80-1180, and Condition 15 of the 10/20/11 NSR Permit)

## Monitoring

7. **Tank Visual Inspections (Initial Filling, or Refilling, with Gasoline, Ethanol, or Gasoline/Ethanol Blends)** – The permittee shall make visual inspections of the internal floating roofs and associated seals, and the fittings of IFR equipped tanks (30802-30808), prior to filling each with gasoline, ethanol, or gasoline/ethanol blends. If there are holes, tears, or other openings in the seals, defects in the floating roofs, or leakage in or around the fittings, the permittee shall repair the items before initial filling or refilling of storage tanks. Prior to filling or refilling the permittee shall notify the Regional Air Compliance Manager of the Department of Environmental Quality's (DEQ) Northern Regional Office (NRO) in accordance with Condition 13.  
(9 VAC 5-80-110, 40 CFR §60.113b(a), 40 CFR §63.11092(e)(1), 9 VAC 5-40-5300, 9 VAC 5-40-5310, 9 VAC 5-50-50, and Condition 5 of the 10/20/11 NSR Permit)
8. **Tank Visual Inspections (After Tank Emptying or Degassing)** – The permittee shall visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) of each tank (30802-30808) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than ten percent open area, the permittee shall repair the items as necessary so that none of the anomalies specified herein shall exist when the tank is refilled. In no event shall these visual inspections be conducted at intervals greater than ten years. Prior to filling or refilling the permittee shall notify the Regional Air Compliance Manager of the Department of Environmental Quality's (DEQ) NRO in accordance with Condition 13.  
(9 VAC 5-80-110, 40 CFR §60.113b(a), 40 CFR §63.11092(e)(1), 9 VAC 5-40-5300, 9 VAC 5-40-5310, 9 VAC 5-50-50 H, and Condition 6 of the 10/20/11 NSR Permit)
9. **Tank Annual Visual Inspection** – The permittee shall visually inspect, at least every twelve months, after initial fill, each tank's (30802-30808) internal floating roof and seals through available manholes and roof hatches on the fixed roof of each tank. Fittings for each tank shall be inspected for leaks during this inspection. If the inspection reveals that the internal floating roof is not resting on the surface of the petroleum product inside the tank, or there is liquid accumulated on the roof, or a seal is detached, or there is a hole or tear in a seal, or there is a fitting found to be leaking, the permittee shall repair the items or empty and remove the tank from service within forty-five days. If a failure that is detected during the inspections required by this condition cannot be repaired within forty-five days, or if the tank cannot be emptied within forty-five days in order to make repair, a thirty-day extension may be requested from the Regional Air Compliance Manager of the DEQ's NRO. An extension request must be made in writing and certify that alternate storage capacity is unavailable and establish a schedule for completing the necessary repairs  
(9 VAC 5-80-110, 40 CFR §60.113b(a), 40 CFR §63.11092(e)(1), and Condition 7 of the March 30, 2011 NSR Permit as amended October 20, 2011)

## Recordkeeping

10. **Records** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Regional Air Compliance Manager of the DEQ's NRO at the following address:

Department of Environmental Quality  
Northern Regional Office  
13901 Crown Court  
Woodbridge, VA 22193

These records shall include, but are not limited to the following:

- a. **Tank Inspection** – A copy of each inspection report for each tank shall be kept on site and the contents of these reports shall contain, at a minimum, the condition of each item of inspection, all measurements taken, and specific details of each repair made with the date and signature of the person making the repair
- b. **Tank 30802** –
  - i. The types of liquid stored in the tank, the period of storage, and the maximum true vapor pressure of the liquid.
  - ii. A copy of the records showing the dimension of the storage tank, and the analysis showing the capacity of the storage tank.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110.F, 40 CFR §60.116b(a), 40 §CFR 63.11094(a), 9 VAC 9-50-50, 9 VAC 5-170-160, and Condition 20 of the 10/20/11 NSR Permit)

## Reporting

11. **Annual Report** – The permittee shall submit to the Regional Air Compliance Manager of the DEQ's NRO, no later than January 30<sup>th</sup> of each calendar year, an annual report documenting annual VOC emissions from the storage and processing of fuel in Tanks 30801 – 30808 and 31536 for the previous calendar year to demonstrate compliance with Condition 3.

(9 VAC 5-80-110, 9 VAC 5-50-50, and Condition 21 of the 10/20/11 NSR Permit)

12. **Notification for Defects** – If defects are detected during the annual visual inspection a report shall be furnished to the Regional Air Compliance Manager of the DEQ's NRO within thirty days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

(9 VAC 5-80-110.F, 40 CFR §60.115b(a)(3), and 9 VAC 5-50-50 H)

13. **Notification prior to Filling or Refilling** – The permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO in writing, at the address referenced in Condition 10, at least thirty days prior to filling or refilling of each storage tank for which an inspection is required. In the event it is impossible, by reason of extenuating circumstances, that a thirty-day notice cannot be made, the Regional Air Compliance Manager of the DEQ's NRO shall be notified by telephone at least seven days prior to the filling/refilling of the storage vessel. Notification shall be made immediately following the telephone call by a written document explaining why an inspection was unplanned. (9 VAC 5-80-110.F, 40 CFR §60.115.b.(a), 9 VAC 5-40-5300, 9 VAC 5-40-5310, and Conditions 5 and 6 of the 10/20/11 NSR Permit)

**Process Equipment Requirements – Loading Rack, Vapor Recovery Unit, and Tanker Truck Vapor Tightness Certification**

Limitations

14. **Loading Rack VOC Control** – Total Organic Compound (TOC) emissions from the operation of the Loading Rack shall be controlled by the use of a vapor recovery unit (VRU). The VRU shall be in operation at all times when the loading rack is in operation. (9 VAC 5-80-110, 40 CFR §60.502, 40 CFR 63 Subpart BBBBBB Table 2, Item 1(c) and Condition 2i of the 10/20/11 NSR permit)
15. **Tanker Truck Vapor Tightness Certification** – Loading of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks as follows:
- a. The terminal owner or operator shall obtain the vapor tightness documentation described in recordkeeping Condition 26 below, for each gasoline tank truck which is to be loaded at the facility.
  - b. The terminal owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded.
  - c. The terminal owner or operator shall maintain the computerized delivery system such that a truck without a vapor tightness test within the last year shall not be allowed to load.
  - d. Should the computerized delivery system fail or be out of service, the owner or operator shall cross-check each tank identification number obtained as required in Condition 15.a above to assure vapor tightness documentation is valid, within two weeks after the tank is loaded, following these guidelines:
    - i. If less than an average of one gasoline tank truck per month over the last twenty-six weeks is loaded without vapor tightness documentation, then the cross-check may be performed each quarter; or

- ii. If less than an average of one gasoline tank truck per month over the last fifty-two weeks is loaded without vapor tightness documentation, then the documentation cross-check may be performed semiannually.
- iii. If either the quarterly or semiannual cross-check provided in Conditions 15.d.i or 15.d.ii reveals that these conditions were not maintained, the source must return to the biweekly monitoring until such time as these conditions are again met.
- e. The terminal owner or operator shall notify the gasoline tank truck owner or operator of each non vapor-tight gasoline tank truck loaded at the facility within one week of performing the vapor tightness cross check.
- f. The terminal owner or operator shall take steps assuring that the non-vapor-tight gasoline tank truck will not be reloaded at the facility until vapor tightness documentation for that tank is obtained.
- g. Alternative procedures to those described in (a) through (e) may be used only with prior approval from Department of Environmental Quality (DEQ).

(9 VAC 5-80-110, 9 VAC 5-80-1180, 9 VAC 5-50-410, 40 §CFR 60.502, 40 CFR 63 Subpart BBBB Table 2 1 (d), 40 §CFR 63.1194(c)(2), and Condition 9 of the 10/20/11 NSR Permit)

16. **Compatible Vapor Collection Equipment** – The permittee shall ensure that loading of gasoline is made only into tank trucks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.

(9 VAC 5-80-110, 40 CFR §60.502(f), 9 VAC 5-50-410, 9 VAC 5-80-1180 and Condition 10 of the 10/20/11 NSR Permit)

17. **Vapor Collection Systems Connected During Loading** – The permittee shall act to ensure that the terminal's and the tank truck's vapor collection systems are connected during loading of each gasoline tank truck. This shall be accomplished by training drivers in hookup procedures and posting visible reminder signs at the loading racks.

(9 VAC 5-80-110, 40 CFR §60.502(g), 9 VAC 5-50-410, 9 VAC 5-80-1180 and Condition 11 of the 10/20/11 NSR Permit)

18. **System Maximum Pressure** – The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in Condition 22 of this Permit.

(9 VAC 5-80-1110 and 40 CFR §60.502(h))

19. **Pressure/Vent Opening** – No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 pascals (450 mm of water).

(9 VAC 5-80-110, 40 CFR §60.502(i), 9 VAC 5-50-410, 9 VAC 5-80-1180, and Condition 12 of the 10/20/11 NSR Permit)

20. **Loading Rack Emissions** – Emissions from the operation of the VRU due to the loading of gasoline into tank trucks shall not exceed ten milligrams of total organic compounds (TOC) per liter (10 mg/l) of gasoline loaded. TOC emissions may exclude the methane and ethane content as specified in 40 CFR 60.503.c(6). This value does not include fugitive VOC emissions from tank truck loading at the rack which are calculated as reflected in EPA 450/2-78-051.  
(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-170-160, 9 VAC 5-80-1180, 9 VAC 5-8-50-410, 40 CFR 60, Subpart XX, 40 CFR 63 Subpart BBBBBB Table 2 1(b), and Condition 18 of the 10/20/11 NSR Permit)
21. **Vapor Processing System VOC Emissions** – VOC emissions from the processing of fuel through the truck loading rack, including fugitives and vapor recovery unit, shall not exceed 45.0 tons per year, calculated monthly as the sum of each consecutive twelve-month period. Compliance for the consecutive twelve-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months.  
(9 VAC 5-50-260, 9 VAC 5-80-1180, and Condition 19 of the 10/20/11 NSR Permit)

#### Monitoring

22. **Pressure Monitoring Device** – A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument), capable of measuring up to 500 mm of water gauge pressure with  $\pm 2.5$  mm of water precision, shall be calibrated and installed on the terminal's vapor collection system at a pressure tap located as close as possible to the connection with the gasoline tank truck to determine compliance with the standard in Condition 18.  
(9 VAC 5-80-110, 40 CFR §60.503(d))
23. **Monthly Leak Inspections** – Each calendar month, the vapor collection system, the vapor processing system and each loading rack handling gasoline, ethanol, and gasoline/ethanol blends shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of these inspections, detection methods incorporating sight, sound, or smell is acceptable. Each leak detected shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.  
(9 VAC 5-80-110, 40 CFR §60.502(j) and Condition 8 of the 10/20/11 NSR permit)
24. **Monitoring Device: VRU – Continuous Emissions Monitoring Device (CEMS)** – TOC emissions from the operation of the VRU shall be measured using a detection principle in accordance with 40 CFR 60 Appendix B, Performance Specification 8, or other method as approved by the Regional Air Compliance Manager of the DEQ's NRO. The monitoring device sensor shall be located in the outlet duct or stack of the VRU.
- a. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations, the requirements

found in 40 CFR 60, Appendix B, Performance Specification 8, and the requirements of 40 CFR §60.13.

- b. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the VRU is operating.

(9 VAC 5-80-110, 9 VAC 5-50-40, 40 §CFR 63.11092(b), and Condition 3 of the 10/20/11 NSR permit)

25. **Monitoring Device Observation** – To ensure good CEM performance, the VRU monitoring device used to continuously measure TOC emissions shall be observed by the permittee during operation of the loading rack at a frequency of not less than once per day when the VRU is in operation. Observations shall be maintained on site in a permanent log book.

(9 VAC 5-80-110, 9 VAC 5-80-1180 D, and Condition 4 of the 10/20/11 NSR Permit)

#### Recordkeeping

26. **Records** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall include, but are not limited to the following:

- a. Tanker truck vapor tightness documentation in accordance with Condition 15, which shall be kept on file at the terminal in a permanent form available for inspection. This documentation file for each gasoline tank truck shall be updated at least once per year to reflect the current test results as determined by Method 27 of 40 CFR 60 Appendix A. This record shall include, at a minimum, the following information:
  - i. Test title: Gasoline Delivery Tank Pressure Test - EPA Reference Method 27.
  - ii. Tank owner and address.
  - iii. Tank identification number.
  - iv. Testing location.
  - v. Date of test.
  - vi. Tester name and signature.
  - vii. Witnessing inspector, if any - Name, signature and affiliation.
  - viii. Test results - Actual pressure change in five minutes, mm of water (average for 2 runs).



- b. Identification number of each tank truck which receives gasoline and record of each cross-check of tank truck identification versus vapor tightness documentation as required in Condition 15. The record shall indicate which, if any, tank truck without up to date vapor tightness documentation was loaded with gasoline.
- c. Monthly and rolling twelve-month gasoline volume delivered through the truck loading rack.
- d. Monthly and rolling twelve-month diesel fuel oil/AV jet fuel volume delivered through the truck loading rack.
- e. Monthly and rolling twelve-month ethanol volume delivered through the truck loading rack.
- f. Calculation of monthly and twelve-month rolling VOC emissions from the processing of fuel through the vapor processing system to demonstrate compliance with Condition 21.
- g. Results of monthly leak inspections as required by Condition 23.
- h. Records from the pressure readings vapor recovery system, and liquid loading equipment recorded during product loading to comply with Condition 18.
- i. Records from the VRU monitoring device daily readings as required by Condition 25.
- j. Results of all performance tests.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.  
(9 VAC 5-50-50, 9 VAC 5-80-110, and Condition 20 of the 10/20/11 NSR Permit)

#### Testing

- 27. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-40-30 or 9 VAC 5-50-30 and 9 VAC 5-80-110)
- 28. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.  
(9 VAC 5-80-110)

## Reporting

29. When a leak detected in accordance with Condition 23 cannot be repaired within fifteen days, the permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO at the address referenced in Condition 10. The notification shall state the circumstances of the leak and the reason repair cannot be made within the prescribed fifteen days. A schedule for the repair must accompany the notification.  
(9 VAC 5-80-110.F)

## Facility Wide Requirements

### Limitations

30. **Streamlined/Combined Conditions & Requirements by Reference** – Except where this permit is more restrictive than the applicable requirement, the facility shall be operated in compliance with the requirements 40 CFR 63 Subpart BBBBBB – National Emissions Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.

The loading rack shall be operated in compliance with the requirements of 40 CFR 60 Subpart XX – Standards of Performance for Bulk Gasoline Terminals, and 40 CFR 60 Subpart A – General Provisions, and the NSPS equipment (Ref. No. 30802 only) shall be operated in compliance with the requirements of 40 CFR Part 60 Subparts Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels).

(9 VAC 5-80-110 and 9 VAC 5-60-100 and Condition 16 of the 10/20/11 NSR Permit)

### Monitoring

31. **Facility Monthly Inspection** – An inspection of the facility shall be conducted monthly on each valve, pump, open-ended valve or line, pressure relief device, sampling connection system, flange or other connector in the gasoline liquid transfer or vapor collection system. For purposes of this paragraph, inspection methods incorporating sight, sound, or smell are acceptable. Each leak detected shall be recorded and the source of the leak repaired within fifteen calendar days after it is detected. Results of this inspection shall be recorded in a log book which shall be kept at the facility being inspected.

(9 VAC 5-80-110 and 9 VAC 5-40-5290)

32. **Maintenance/Operating Procedures** – At all times, including periods of start-up, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
- b. Maintain an inventory of spare parts.
- c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

(9 VAC 5-80-110 B, 9 VAC 5-50-20 E, and Condition 26 of the 10/20/11 NSR Permit)

#### Recordkeeping

33. **Records** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Regional Air Compliance Manager of the DEQ's NRO. These records shall include, but are not limited to the following:

- a. Monthly and rolling twelve-month gasoline volume delivered through the storage tanks to demonstrate compliance with Condition 4.
- b. Monthly and rolling twelve-month diesel fuel oil/AV jet fuel volume delivered through the storage tanks to demonstrate compliance with Condition 5.
- c. Monthly and rolling twelve-month ethanol volume delivered through the storage tanks to demonstrate compliance with Condition 6.
- d. Monthly facility inspections results, in accordance with Condition 33.
- e. Scheduled and unscheduled maintenance schedules, and operator training, as required by Condition 32.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110, and Condition 20 of the 10/20/11 NSR Permit)

34. **Bypass, malfunction, shutdown or failure of the facility** – Records of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour. Records shall include the date, time, duration, description (emission unit, pollutant affected, cause of malfunction), corrective action, preventive measures taken and name of person generating the record.  
(9 VAC 5-80-110, 9VAC 5-20-180 J, 9 VAC 5-80-1180 D, and Condition 27 of the 10/20/11 NSR Permit)

35. **Annual Demonstration** – Where applicable, the consecutive twelve-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.  
(9 VAC 5-50-50, 9 VAC 5-80-110, and Condition 20 of the 10/20/11 Permit)

#### Testing

36. **Facility Construction** – The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-50-30 and 9 VAC 5-80-110)
37. **Additional Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.  
(9 VAC 5-80-110)

#### Reporting

38. **Emission Statement** - The owner of a stationary source emitting twenty-five tons per year or more of volatile organic compounds or nitrogen oxides shall submit a completed emission statement to the Regional Air Compliance Manager of the DEQ's NRO by April 15<sup>th</sup> of each year for the emissions discharged during the previous calendar year. The emission statement shall be prepared and submitted in the appropriate format.  
(9 VAC 5-80-110, 9 VAC 5-20-160 B, and Condition 22 of the 10/20/11 NSR Permit)
39. **Annual HAP emissions** – The annual HAP emissions shall be reported for the period of January 1 through December 31 using DEQ approved Emissions Estimation Software. The submittal shall be made by March 1 each year in the annual emission update.  
(9 VAC 5-80-110 and 9 VAC 5-20-230)

### Insignificant Emission Units

40. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720.

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
B-106	Oil Water Separator	9 VAC 5-80-720.B	VOC	--
F02	Equipment Fugitive Leaks	9 VAC 5-80-720.B	VOC	--
DL1	Distillate Loading	9 VAC 5-80-720.B	VOC	--
6810	Additive Tank	9 VAC 5-80-720.B	VOC	--
6811	Additive Tank	9 VAC 5-80-720.B	VOC	--
6812	Additive Tank	9 VAC 5-80-720.B	VOC	--
6813	Additive Tank	9 VAC 5-80-720.B	VOC	--
6815	Additive Tank	9 VAC 5-80-720.B	VOC	--
6816	Interface Tank	9 VAC 5-80-720.B	VOC	--
6817	Additive Tank	9 VAC 5-80-720.B	VOC	--
6820	Additive Tank	9 VAC 5-80-720.B	VOC	--
6821	Additive Tank	9 VAC 5-80-720.B	VOC	--
6814	Diesel Fuel Oil Storage Tank	9 VAC 5-80-720.B	VOC	--

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9VAC5-80-110.  
 (9VAC5-80-110)

## Permit Shield and Inapplicable Requirements

41. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 61	NESHAP for asbestos, radon, vinyl chloride, mercury, etc.	Not a source category subject to this rule.
40 CFR 63, Subpart R	National Emissions Standards for Gasoline Distribution – Stage 1	Emissions are below 10 tpy for a single HAP and below 25 tpy for a combination of HAPs.
40 CFR 64	Compliance Assurance Monitoring	Facility employs a CEMS on the VRU which meets exemption criterion of 40 CFR64.2(b)(1), and the tanks are subject to MACT 6B which meets exemption criterion of 40 CFR64.2(a)(3)
40 CFR 68	Accidental Release Prevention Requirements, under Section 112(r)	Petroleum liquids (gasoline, diesel, ethanol, etc.) are not subject to this rule.
40 CFR 82, Subparts F & G	Stratospheric Ozone Protection	Class I or Class II ozone depleting chemicals (ODC) are not used at this site.
40 CFR 60, Subparts K, Ka, and Kb	NSPS for Storage Vessels for Petroleum Liquids/Volatile Organic Liquids	Construction, modification, or reconstruction activities have not occurred to REF Nos. 30803- 30808.
40 CFR 60, Subparts K, Ka, and Kb	NSPS for Storage Vessels for Petroleum Liquids/Volatile Organic Liquids	Storage tanks Ref. Nos. 30801, 6810-6813, 6815-6820, and 31536 have a capacity and/or contain products with a true vapor pressure less than NSPS applicability threshold.

Citation	Title of Citation	Description of Applicability
9 VAC 5-40-3410 thru 3550	Emission Standards for VOC Storage and Transfer Operations	Support tanks Ref. Nos. 6810-6817, 6820 and 6821 are less than 40,000 gallons capacity therefore Article 25 does not apply.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
 (9VAC5-80-110 and 9VAC5-80-140)

#### General Conditions

42. **Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
 (9VAC5-80-110)
43. **Permit Expiration** - This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9VAC5-80-80, the right of the facility to operate shall be terminated upon permit expiration.  
 (9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
44. **Permit Expiration** - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.  
 (9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
45. **Permit Expiration** - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9VAC5 Chapter 80, until the Board takes final action on the application under 9VAC5-80-150.  
 (9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)

46. **Permit Expiration** - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
47. **Permit Expiration** - If an applicant submits a timely and complete application under section 9VAC5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
48. **Permit Expiration** - The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
49. **Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- a. The date, place as defined in the permit, and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of such analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.
- (9VAC5-80-110)
50. **Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9VAC5-80-110)



**51. Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
  - i. Exceedances of emissions limitations or operational restrictions;
  - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
  - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period.

(9VAC5-80-110)

**52. Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
- b. The identification of each term or condition of the permit that is the basis of the certification;
- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;

- e. Consistent with subsection 9VAC5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- f. Such other facts as the permit may require to determine the compliance status of the source; and
- g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:  
R3\_APD\_Permits@epa.gov

(9VAC5-80-110)

53. **Permit Deviation Reporting** - The permittee shall notify the Northern Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9VAC5-40-50 C and 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 and 9VAC5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 51 (Recordkeeping and Reporting) of this permit.  
(9VAC5-80-110 F. 2)

54. **Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall no later than four daytime business hours after the malfunction is discovered, notify the Northern Regional Office of such failure or malfunction and within 14 days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9VAC5-40-50 C and 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 and 9VAC5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Northern Regional Office.  
(9VAC5-80-110 and 9VAC5-20-180)

55. **Failure/Malfunction Reporting** - The emission units that have continuous monitors subject to 9VAC5-40-50 C and 9VAC5-50-50 C are not subject to the 14 day written notification.  
(9VAC5-20-180 and 9VAC5-40-50 or 9VAC5-50-50)

**56. Failure/Malfunction Reporting** - Each owner required to install a continuous monitoring system (CMS) or monitoring device subject to 9VAC5-40-41 or 9VAC5-50-410 shall submit a written report of excess emissions (as defined in the applicable subpart in 9VAC5-50-410) and either a monitoring systems performance report or a summary report form, or both, to the board quarterly. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. All reports shall include the following information:

- a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9VAC5-40-41 B.6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions:
- b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
- c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.

All malfunctions of emission units not subject to 9VAC5-40-50 C and 9VAC5-50-50 C require written reports within 14 days of the discovery of the malfunction.  
(9VAC5-80-110, 9VAC5-20-180 C and 9VAC5-40-50 or 9VAC5-50-50)

**57. Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9VAC5-80-110)

**58. Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9VAC5-80-110)

**59. Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9VAC5-80-110)

60. **Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9VAC5-80-110, 9VAC5-80-190 and 9VAC5-80-260)
61. **Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9VAC5-80-110)
62. **Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9VAC5-80-110)
63. **Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-80 G.  
(9VAC5-80-110)
64. **Duty to Pay Permit Fees** - The owner of any source for which a permit under 9VAC5-80-50 through 9VAC5-80-300 was issued shall pay permit fees consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9VAC5-80-2340, adjusted annually by the change in the Consumer Price Index.  
(9VAC5-80-110, 9VAC5-80-340 and 9VAC5-80-2340)
65. **Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

- b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
- c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
- d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
- e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9VAC5-40-90 or 9VAC5-50-90 and 9VAC5-80-110)

66. **Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
(9VAC5-50-20 E and 9VAC5-80-110)

67. **Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 1.  
(9VAC5-80-110)

68. **Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9VAC5-80-110)

**69. Reopening for Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-80 F. The conditions for reopening a permit are as follows:

- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-110 D.

(9VAC5-80-110)

**70. Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9VAC5-80-110 and 9VAC5-80-150)

**71. Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-130, or from one piece of equipment to another.

(9VAC5-80-110 and 9VAC5-80-160)

**72. Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-200.

(9VAC5-80-110 and 9VAC5-80-160)

73. **Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.  
(9VAC5-80-110 and 9VAC5-80-160)
74. **Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.  
(9VAC5-80-110, 9VAC5-80-190 C and 9VAC5-80-260)
75. **Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9VAC5-80-110 and 9VAC5-80-80 E)
76. **Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(9VAC5-80-110 and 40 CFR Part 82)
77. **Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9VAC5-60-70 and 9VAC5-80-110)
78. **Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(9VAC5-80-110 and 40 CFR Part 68)
79. **Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9VAC5-80-110)

80. **Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

- a. All terms and conditions required under 9VAC5-80-110, except subsection N, shall be included to determine compliance.
- b. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
- c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-50 through 9VAC5-80-300.

(9VAC5-80-110)